

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHERMAN WILLIAM PAYNE, JR.,

Defendant.

Case No. 1:06-CR-143

Hon. Richard Alan Enslen

ORDER

This matter is before the Court on Defendant Sherman William Payne, Jr.'s Motion For an Ends-of-Justice Continuance pursuant to the Speedy Trial Act of 1974. 18 U.S.C. § 3161(h)(8). Currently, a final pretrial conference is scheduled for August 14, 2006, and jury trial is set to commence on August 21, 2006.

In support of his request for an ends-of-justice continuance, Defendant's counsel advises that he is diligently preparing a motion to suppress evidence seized in this case which requires him to research underlying legal and factual issues; preparation of the suppression motion has consumed an inordinate amount of Defendant's counsel's time that otherwise would have been spent on trial preparation; plea discussions with the Government will be more worthwhile once Defendant's motion to suppress is decided; and forensic experts may be required to review certain evidence yet to be reviewed. The Government has not opposed the Motion.

Upon careful review, the Court finds that the ends-of-justice are best served by granting a continuance because the interests of the public and Defendant in seeing a speedy trial are outweighed by the equities set forth above. 18 U.S.C. § 3161(h)(8)(A). Specifically, the Court finds that otherwise denying Defendant's request would deprive his counsel of a reasonable opportunity to effectively prepare for trial. *Id.* § 3161(h)(8)(B)(iv). The Court believes that Defendant's counsel

has diligently represented Defendant in this matter and, without an ends-of-justice continuance, events beyond his control would prevent effective trial preparation. Furthermore, the Court concurs with Defendant's belief that plea negotiations will assume a different character once his suppression motion is decided.

THEREFORE, IT IS HEREBY ORDERED that Defendant Sherman William Payne, Jr.'s Motion For an Ends-of-Justice Continuance (Dkt. No. 24) is **GRANTED**.

IT IS FURTHER ORDERED that the pretrial conference currently scheduled for August 14, 2006 and the jury trial currently scheduled for August 21, 2006, are **ADJOURNED** and an amended scheduling order shall issue.

DATED in Kalamazoo, MI:
August 3, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE